

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1386 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 taxation and gaming.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 4-33-1-1 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This article
- 8 applies only to the following:
- 9 (1) Counties contiguous to Lake Michigan.
- 10 (2) Counties contiguous to the Ohio River.
- 11 (3) ~~Counties contiguous to Patoka Lake.~~ A county having a
- 12 **population of more than eighteen thousand three hundred**
- 13 **(18,300) but less than eighteen thousand five hundred**
- 14 **(18,500).**
- 15 SECTION 2. IC 4-33-4-2 IS AMENDED TO READ AS FOLLOWS
- 16 [EFFECTIVE UPON PASSAGE]: Sec. 2. The commission shall adopt
- 17 rules under IC 4-22-2 for the following purposes:
- 18 (1) Administering this article.
- 19 (2) Establishing the conditions under which riverboat gambling
- 20 in Indiana may be conducted.
- 21 (3) Providing for the prevention of practices detrimental to the
- 22 public interest and providing for the best interests of riverboat
- 23 gambling.
- 24 (4) ~~With respect to riverboats that operate on Patoka Lake,~~

1 ensuring:

- 2 (A) the prevention of practices detrimental to the natural
- 3 environment and scenic beauty of Patoka Lake; and
- 4 (B) compliance by licensees and riverboat patrons with the
- 5 requirements of IC 14-26-2-5 and IC 14-28-1.
- 6 ~~(5)~~ (4) Establishing rules concerning inspection of riverboats and
- 7 the review of the permits or licenses necessary to operate a
- 8 riverboat.
- 9 ~~(6)~~ (5) Imposing penalties for noncriminal violations of this
- 10 article.

11 SECTION 3. IC 4-33-4-3, AS AMENDED BY P.L.273-1999,
 12 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 3. (a) The commission shall do the following:

- 14 (1) Adopt rules that the commission determines necessary to
- 15 protect or enhance the following:
 - 16 (A) The credibility and integrity of gambling operations
 - 17 authorized by this article.
 - 18 (B) The regulatory process provided in this article.
 - 19 ~~(C) The natural environment and scenic beauty of Patoka~~
 - 20 ~~Lake.~~
 - 21 (2) Conduct all hearings concerning civil violations of this article.
 - 22 (3) Provide for the establishment and collection of license fees
 - 23 and taxes imposed under this article.
 - 24 (4) Deposit the license fees and taxes in the state gaming fund
 - 25 established by IC 4-33-13.
 - 26 (5) Levy and collect penalties for noncriminal violations of this
 - 27 article.
 - 28 (6) Deposit the penalties in the state gaming fund established by
 - 29 IC 4-33-13.
 - 30 (7) Be present through the commission's inspectors and agents
 - 31 during the time gambling operations are conducted on a riverboat
 - 32 to do the following:
 - 33 (A) Certify the revenue received by a riverboat.
 - 34 (B) Receive complaints from the public.
 - 35 (C) Conduct other investigations into the conduct of the
 - 36 gambling games and the maintenance of the equipment that
 - 37 the commission considers necessary and proper.
 - 38 ~~(D) With respect to riverboats that operate on Patoka Lake,~~
 - 39 ~~ensure compliance with the following:~~
 - 40 ~~(i) IC 14-26-2-6.~~
 - 41 ~~(ii) IC 14-26-2-7.~~
 - 42 ~~(iii) IC 14-28-1.~~
 - 43 (8) Adopt emergency rules under IC 4-22-2-37.1 if the
 - 44 commission determines that:
 - 45 (A) the need for a rule is so immediate and substantial that
 - 46 rulemaking procedures under IC 4-22-2-13 through

1 IC 4-22-2-36 are inadequate to address the need; and

2 (B) an emergency rule is likely to address the need.

3 (b) The commission shall begin rulemaking procedures under
4 IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted
5 under subsection (a)(8) not later than thirty (30) days after the adoption
6 of the emergency rule under subsection (a)(8).

7 SECTION 4. IC 4-33-4-13 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) After
9 consulting with the United States Army Corps of Engineers, the
10 commission may do the following:

11 (1) Determine the waterways that are navigable waterways for
12 purposes of this article.

13 (2) Determine the navigable waterways that are suitable for the
14 operation of riverboats under this article.

15 (b) In determining the navigable waterways on which riverboats
16 may operate, the commission shall do the following:

17 (1) Obtain any required approvals from the United States Army
18 Corps of Engineers for the operation of riverboats on those
19 waterways.

20 (2) Consider the economic benefit that riverboat gambling
21 provides to Indiana.

22 (3) Seek to ensure that all regions of Indiana share in the
23 economic benefits of riverboat gambling.

24 ~~(4) Considering IC 14-26-2-6, IC 14-26-2-7, and IC 14-28-1,~~
25 ~~conduct a feasibility study concerning:~~

26 ~~(A) the environmental impact of the navigation and docking of~~
27 ~~riverboats upon Patoka Lake; and~~

28 ~~(B) the impact of the navigation and docking of riverboats~~
29 ~~upon the scenic beauty of Patoka Lake.~~

30 SECTION 5. IC 4-33-4-15 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The
32 commission shall annually do the following:

33 (1) Review the patterns of wagering and wins and losses by
34 persons on riverboat gambling operations under this article.

35 (2) Make recommendations to the governor and the general
36 assembly concerning whether limits on wagering losses should be
37 imposed.

38 ~~(3) Examine the impact on the natural environment and scenic~~
39 ~~beauty of Patoka Lake made by the navigation and docking of~~
40 ~~riverboats.~~

41 SECTION 6. IC 4-33-6-1 IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The commission may
43 issue to a person a license to own one (1) riverboat subject to the
44 numerical and geographical limitation of owner's licenses under this
45 section and IC 4-33-4-17. However, not more than eleven (11) owner's
46 licenses may be in effect at any time. Except as provided in subsection

(b), those eleven (11) licenses are as follows:

(1) Two (2) licenses for a riverboat that operates from the largest city located in the counties described under IC 4-33-1-1(1).

(2) One (1) license for a riverboat that operates from the second largest city located in the counties described under IC 4-33-1-1(1).

(3) One (1) license for a riverboat that operates from the third largest city located in the counties described under IC 4-33-1-1(1).

(4) One (1) license for a city located in the counties described under IC 4-33-1-1(1). This license may not be issued to a city described in subdivisions (1) through (3).

(5) A total of five (5) licenses for riverboats that operate upon the Ohio River from counties described under IC 4-33-1-1(2). The commission may not issue a license to an applicant if the issuance of the license would result in more than one (1) riverboat operating from a county described in IC 4-33-1-1(2).

(6) One (1) license for a riverboat that operates: ~~upon Patoka Lake~~

(A) from a town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000); and

(B) on the property of the largest historic hotel located in the town;

located in a county described under IC 4-33-1-1(3).

(b) If a city described in subsection (a)(2) or (a)(3) conducts two (2) elections under section 20 of this chapter, and the voters of the city do not vote in favor of permitting riverboat gambling at either of those elections, the license assigned to that city under subsection (a)(2) or (a)(3) may be issued to any city that:

(1) does not already have a riverboat operating from the city; and

(2) is located in a county described in IC 4-33-1-1(1).

SECTION 7. IC 4-33-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A riverboat that operates in a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2) must:

(1) have a valid certificate of inspection from the United States Coast Guard for the carrying of at least five hundred (500) passengers; and

(2) be at least one hundred fifty (150) feet in length.

(b) A riverboat that operates ~~on Patoka Lake~~ **in a county described under IC 4-33-1-1(3)** must:

(1) have the capacity to carry at least five hundred (500) passengers;

(2) be at least one hundred fifty (150) feet in length; and

(3) meet safety standards required by the commission.

(c) This subsection applies only to a riverboat that operates on the Ohio River. A riverboat must replicate, as nearly as possible, historic

1 Indiana steamboat passenger vessels of the nineteenth century.
 2 However, steam propulsion or overnight lodging facilities are not
 3 required under this subsection.

4 SECTION 8. IC 4-33-6-19 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) This section
 6 applies to:

- 7 (1) a county contiguous to the Ohio River;
- 8 ~~(2) a county contiguous to Patoka Lake;~~ and
- 9 ~~(3)~~ (2) a county contiguous to Lake Michigan that has a
 10 population of less than four hundred thousand (400,000).

11 (b) Notwithstanding any other provision of this article, the
 12 commission may not issue a license under this article to allow a
 13 riverboat to operate in the county unless the voters of the county have
 14 approved the conducting of gambling games on riverboats in the
 15 county.

16 (c) If the docking of a riverboat in the county is approved by an
 17 ordinance adopted under section 18 of this chapter, or if at least the
 18 number of the registered voters of the county required under IC 3-8-6-3
 19 for a petition to place a candidate on the ballot sign a petition submitted
 20 to the circuit court clerk requesting that a local public question
 21 concerning riverboat gaming be placed on the ballot, the county
 22 election board shall place the following question on the ballot in the
 23 county during the next general election:

24 "Shall licenses be issued to permit riverboat gambling in ____
 25 County?".

26 (d) A public question under this section shall be placed on the ballot
 27 in accordance with IC 3-10-9 and must be certified in accordance with
 28 IC 3-10-9-3.

29 (e) The clerk of the circuit court of a county holding an election
 30 under this chapter shall certify the results determined under
 31 IC 3-12-4-9 to the commission and the department of state revenue.

32 (f) If a public question under this section is placed on the ballot in
 33 a county and the voters of the county do not vote in favor of permitting
 34 riverboat gambling under this article, a second public question under
 35 this section may not be held in that county for at least two (2) years. If
 36 the voters of the county vote to reject riverboat gambling a second time,
 37 a third or subsequent public question under this section may not be
 38 held in that county until the general election held during the tenth year
 39 following the year that the previous public question was placed on the
 40 ballot.

41 SECTION 9. IC 4-33-6-19.5 IS ADDED TO THE INDIANA CODE
 42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 43 UPON PASSAGE]: Sec. 19.5. (a) This section applies to a county
 44 having a population of more than eighteen thousand three hundred
 45 (18,300) but less than eighteen thousand five hundred (18,500).

46 (b) The commission may issue only one (1) license under this

1 article to allow a riverboat to operate in a town having a
 2 population of more than two thousand eighty-five (2,085) but less
 3 than three thousand (3,000).

4 (c) The commission may not issue a license under this article to
 5 allow a riverboat to operate in the county unless the voters of the
 6 town described in subsection (b) have approved gambling on
 7 riverboats in the county.

8 (d) If at least the number of the registered voters of the town
 9 required under IC 3-8-6-3 for a petition to place a candidate on the
 10 ballot sign a petition submitted to the clerk of the circuit court
 11 requesting that a local public question concerning riverboat
 12 gaming be placed on the ballot, the county election board shall
 13 place the following question on the ballot in the town described in
 14 subsection (b) during the next primary or general election:

15 "Shall a license be issued to allow riverboat gambling in the
 16 town of _____?"

17 (e) A special election may be held under this section if an
 18 applicant for a riverboat license under IC 4-33-6 pays in advance
 19 of the election the costs to hold the special election, as determined
 20 by the election board.

21 (f) A public question under this section shall be placed on the
 22 ballot in accordance with IC 3-10-9.

23 (g) If a public question is placed on the ballot under this section
 24 and the voters of the town do not vote in favor of allowing
 25 riverboat gambling under IC 4-33, another public question
 26 regarding riverboat gambling may not be held in the town for at
 27 least two (2) years.

28 (h) In a special election held under this section:

29 (1) IC 3 applies, except as otherwise provided in this section;
 30 and

31 (2) at least as many precinct polling places that were used in
 32 the town described in subsection (b) during the most recent
 33 general election must be used for the special election.

34 (i) The clerk of the circuit court of a county holding an election
 35 under this section shall certify the results determined under
 36 IC 3-12-4-9 to the commission and the department of state revenue.

37 SECTION 10. IC 4-33-9-2 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as
 39 provided in subsections (b), ~~and~~ (c), ~~and~~ (d), gambling may not be
 40 conducted while a riverboat is docked.

41 (b) If the master of the riverboat reasonably determines and certifies
 42 in writing that:

43 (1) specific weather conditions or water conditions present a
 44 danger to the riverboat and the riverboat's passengers and crew;

45 (2) either the vessel or the docking facility is undergoing
 46 mechanical or structural repair;

47 (3) water traffic conditions present a danger to:

- 1 (A) the riverboat, riverboat passengers, and crew; or
- 2 (B) other vessels on the water; or
- 3 (4) the master has been notified that a condition exists that would
- 4 cause a violation of federal law if the riverboat were to cruise;
- 5 the riverboat may remain docked and gaming may take place until the
- 6 master determines that the conditions have sufficiently diminished or
- 7 been corrected for the riverboat to safely proceed or the duration of the
- 8 authorized excursion has expired.
- 9 (c) The commission shall by rule permit gambling to be conducted
- 10 for periods of not more than thirty (30) minutes during passenger
- 11 embarkation and not more than thirty (30) minutes during passenger
- 12 disembarkation.
- 13 **(d) The owner of a riverboat located in a county described in**
- 14 **IC 4-33-1-1(3) may conduct gambling while the riverboat is**
- 15 **docked.**
- 16 SECTION 11. IC 4-33-10-2.5 IS AMENDED TO READ AS
- 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) This
- 18 section applies only to property given after June 30, 1996.
- 19 (b) The definitions in IC 3-5-2 apply to this section to the extent
- 20 they do not conflict with the definitions in this article.
- 21 (c) As used in this section, "license" means:
- 22 (1) an owner's license issued under this article; or
- 23 (2) a supplier's license issued under this article to a supplier of
- 24 gaming supplies or equipment, including electronic gaming
- 25 equipment.
- 26 (d) As used in this section, "licensee" means a person who holds a
- 27 license.
- 28 (e) As used in this section, "officer" refers only to either of the
- 29 following:
- 30 (1) An individual listed as an officer of a corporation in the
- 31 corporation's most recent annual report.
- 32 (2) An individual who is a successor to an individual described in
- 33 subdivision (1).
- 34 (f) For purposes of this section, a person is considered to have an
- 35 interest in a licensee if the person satisfies any of the following:
- 36 (1) The person holds at least a one percent (1%) interest in the
- 37 licensee.
- 38 (2) The person is an officer of the licensee.
- 39 (3) The person is an officer of a person that holds at least a one
- 40 percent (1%) interest in the licensee.
- 41 (4) The person is a political action committee of the licensee.
- 42 (g) A licensee or a person with an interest in a licensee may not give
- 43 any property (as defined in IC 35-41-1-23) to a member of a precinct
- 44 committee to induce the member of the precinct committee to do any
- 45 act or refrain from doing any act with respect to the approval of a local
- 46 public question under IC 4-33-6-19 or **IC 4-33-6-19.5.**

(h) A person who knowingly or intentionally violates this section commits a Class D felony.

SECTION 12. IC 4-33-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) ~~Except as provided by subsection (c);~~ The treasurer of state shall quarterly pay the following amounts:

(1) **Except for a riverboat operating in a county described in IC 4-33-1-1(3)**, one dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to:

(A) the city in which the riverboat is docked, if the city:

(i) is described in IC 4-33-6-1(a)(1) through IC 4-33-6-1(a)(4) or in IC 4-33-6-1(b); or

(ii) is contiguous to the Ohio River and is the largest city in the county; and

(B) the county in which the riverboat is docked, if the riverboat is not docked in a city described in clause (A).

(2) **Except for a riverboat operating in a county described in IC 4-33-1-1(3)**, one dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this one dollar (\$1) is in addition to the one dollar (\$1) received under subdivision (1)(B).

(3) **Except for a riverboat operating in a county described in IC 4-33-1-1(3)**, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during a quarter shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-1.5-3.

(5) Ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the division of mental health. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the Indiana horse racing commission

to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.

(7) This subdivision applies only to a riverboat licensed to operate in a county described in IC 4-33-1-1(3). In addition to the payments required under subdivisions (4) through (6), the treasurer of state shall distribute the admissions tax collected by the licensed owner for each person embarking on the riverboat during the quarter as follows:

(A) Seventy cents (\$0.70) shall be paid to a town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000) located in the county.

(B) Fifty cents (\$0.50) shall be paid to a town having a population of more than six hundred (600) but less than seven hundred (700) located in the county.

(C) Fifty cents (\$0.50) shall be paid to the county.

(D) Ten cents (\$0.10) shall be paid to a town located in the county having a population of more than three thousand five hundred (3,500) but less than four thousand (4,000).

(E) Ten cents (\$0.10) shall be paid to the tourism commission of a town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000) located in the county.

(F) Five cents (\$0.05) shall be paid to a town located in the county having a population of more than two thousand (2,000) but less than two thousand eighty-five (2,085).

(G) Five cents (\$0.05) shall be paid to a county having a population of more than thirty-six thousand (36,000) but less than thirty-six thousand seven hundred (36,700).

(c) With respect to tax revenue collected from a riverboat that operates on Patoka Lake, the treasurer of state shall quarterly pay the following amounts:

(1) The counties described in IC 4-33-1-1(3) shall receive one dollar (\$1) of the admissions tax collected for each person embarking on the riverboat during the quarter. This amount shall be divided equally among the counties described in IC 4-33-1-1(3).

(2) The Patoka Lake development account established under

1 ~~IC 4-33-15~~ shall receive one dollar (\$1) of the admissions tax
 2 collected for each person embarking on the riverboat during the
 3 quarter:

4 (3) The resource conservation and development program that:

5 (A) is established under ~~16 U.S.C. 3451 et seq.~~; and

6 (B) serves the Patoka Lake area;

7 shall receive forty cents (\$0.40) of the admissions tax collected
 8 for each person embarking on the riverboat during the quarter:

9 (4) The state general fund shall receive fifty cents (\$0.50) of the
 10 admissions tax collected for each person embarking on the
 11 riverboat during the quarter:

12 (5) The division of mental health shall receive ten cents (\$0.10)
 13 of the admissions tax collected for each person embarking on the
 14 riverboat during the quarter. The division shall allocate at least
 15 twenty-five percent (25%) of the funds derived from the
 16 admissions tax to the prevention and treatment of compulsive
 17 gambling:

18 ~~(d) (c)~~ Except as provided under subsection (f), money paid to a
 19 unit of local government under subsection (b)(1) through (b)(2) or
 20 subsection ~~(c)(1)~~: **under subsection (b)(7):**

21 (1) must be paid to the fiscal officer of the unit and may be
 22 deposited in the unit's general fund or riverboat fund established
 23 under IC 36-1-8-9, or both;

24 (2) may not be used to reduce the unit's maximum or actual levy
 25 under IC 6-1.1-18.5; and

26 (3) may be used for any legal or corporate purpose of the unit,
 27 including the pledge of money to bonds, leases, or other
 28 obligations under IC 5-1-14-4.

29 ~~(e) (d)~~ Money paid by the treasurer of state under subsection (b)(3)
 30 shall be:

31 (1) deposited in:

32 (A) the county convention and visitor promotion fund; or

33 (B) the county's general fund if the county does not have a
 34 convention and visitor promotion fund; and

35 (2) used only for the tourism promotion, advertising, and
 36 economic development activities of the county and community.

37 ~~(f) (e)~~ Money received by the division of mental health under
 38 subsections ~~(b)(5) and (c)(5)~~: **subsection (b)(5):**

39 (1) is annually appropriated to the division of mental health;

40 (2) shall be distributed to the division of mental health at times
 41 during each state fiscal year determined by the budget agency;
 42 and

43 (3) shall be used by the division of mental health for programs
 44 and facilities for the prevention and treatment of addictions to
 45 drugs, alcohol, and compulsive gambling, including the creation
 46 and maintenance of a toll free telephone line to provide the public

with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(f) This subsection applies to a county described in IC 4-33-1-1(3). Money paid to a local unit of government under subsection (b)(7) may be used to reduce the unit's actual levy under IC 6-1.1-18.5 to offset the loss of assessed valuation attributable to personal property exempted from assessment and taxation under IC 6-1.1-29.1.

SECTION 13. IC 4-33-13-5, AS AMENDED BY P.L.273-1999, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) Except for a riverboat operating in a county described in IC 4-33-1-1(3), twenty-five percent (25%) of the tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a city described in IC 4-33-12-6(b)(1)(A); **or**

~~(B) in equal shares to the counties described in IC 4-33-1-1(3), in the case of a riverboat whose home dock is on Patoka Lake;~~
~~or~~

~~(C) (B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A). or a county described in clause (B); and~~

(2) This subdivision applies only to a riverboat licensed to operate in a county described in IC 4-33-1-1(3). Twenty-five percent (25%) of the tax revenue remitted by the licensed owner shall be paid in equal shares to the following:

(A) A town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000) located in the county.

(B) Historic Landmarks of West Baden for the restoration, maintenance, and development of the West Baden Springs Hotel.

~~(2) (3)~~ **(3) Seventy-five percent (75%) of the tax revenue remitted by each licensed owner shall be paid to the build Indiana fund lottery and gaming surplus account.**

SECTION 14. IC 4-33-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **Except as provided in subsection (c),** money paid to a unit of local government under this chapter:

(1) must be paid to the fiscal officer of the unit and may be

1 deposited in the unit's general fund or riverboat fund established
2 under IC 36-1-8-9, or both;

3 (2) may not be used to reduce the unit's maximum or actual levy
4 under IC 6-1.1-18.5; and

5 (3) may be used for any legal or corporate purpose of the unit,
6 including the pledge of money to bonds, leases, or other
7 obligations under IC 5-1-14-4.

8 (b) This chapter does not prohibit the city or county designated as
9 the home dock of the riverboat from entering into agreements with
10 other units of local government in Indiana or in other states to share the
11 city's or county's part of the tax revenue received under this chapter.

12 **(c) This subsection applies to a town described in section 5(2)(A)**
13 **of this chapter. Money paid to a town under this chapter may be**
14 **used to reduce the town's actual levy under IC 6-1.1-18.5 to offset**
15 **the loss of assessed valuation attributable to personal property**
16 **exempted from assessment and taxation under IC 6-1.1-29.1."**

17 Page 2, after line 42, begin a new paragraph and insert:

18 "SECTION 16. THE FOLLOWING ARE REPEALED
19 [EFFECTIVE UPON PASSAGE]: IC 4-33-4-19; IC 4-33-15."

20 Page 3, after line 3, begin a new paragraph and insert:

21 "SECTION 18. **An emergency is declared for this act.**"

22 Renumber all SECTIONS consecutively.

(Reference is to HB 1386 as printed January 28, 2000.)

Representative Denbo